Please add the following new Claims 20-41:

20. (New) A method for transforming a plant cell or tissue susceptible to *Agrobacterium*-induced necrosis (AIN) with a nucleotide sequence of interest, comprising:

(a) manipulating a condition of a plant cell or tissue to inhibit a programmed cell death or apoptotic necrosis mechanism capable of being induced by exposure of said plant cell or tissue to *Agrobacterium*; and

(b) exposing said plant cell or tissue to *Agrobacterium* comprising a nucleotide sequence of interest;

wherein (a) occurs before, during, or after (b).

21. (New) The method of claim 20, wherein manipulating said condition comprises exposing said plant cell or tissue to a heat shock treatment.

22. (New) The method of claim 21, wherein said heat shock treatment has a duration of about 2 to about 10 minutes.

23. (New) The method of claim 22, wherein said heat shock treatment has a duration of about 4 to about 8 minutes.

24. (New) The method of claim 21, wherein said heat shock treatment is performed at a temperature of about 40° C to about 50° C.

25. (New) The method of claim 24, wherein said heat shock treatment is performed at a temperature of about 42° C to about 48° C.

26. (New) The method of claim 20, wherein manipulating said condition comprises exposing said plant cell or tissue to a chemical inhibitor of AIN.

27. (New) The method of claim 26, wherein said chemical inhibitor of AIN comprises at least one of an ethylene inhibitor, an ethylene synthesis inhibitor, a gibberellin antagonist, and a phosphatase inhibitor.

28. (New) The method of claim 27, wherein said ethylene inhibitor comprises one of 2,5-norbornadiene, norbornene, silver thiosulfate, and silver nitrate.

29. (New) The method of claim 27, wherein said ethylene synthesis inhibitor comprises one of aminoethoxyvinylglycine, a cobalt salt, acetyl salicylic acid, and salicylic acid.

30. (New) The method of claim 27, wherein said gibberellin antagonist comprises abscisic acid.

31. (New) The method of claim 27, wherein said phosphatase inhibitor comprises okadaic acid.

32. (New) The method of claim 20, wherein manipulating said condition comprises delivering to, or expressing in, said plant cell or tissue an AIN-inhibiting nucleotide sequence comprising

(a) an antisense sequence to a gene encoding a necrosis-associated enzyme or a necrosis regulatory protein, or

(b) a coding sequence for a protein which inhibits apoptosis or suppresses a plant disease response.

33. (New) The method of claim 32, wherein said antisense sequence is antisense to a gene encoding a protease, a kinase, or a phosphatase.

34. (New) The method of claim 32, wherein said coding sequence encodes a *bcl-1*, *p35*, *iap*, *nahG*, *dad-1*, or *mlo* gene.

35. (New) The method of claim 32, wherein said AIN-inhibiting nucleotide sequence is stably integrated into a genome of said plant cell or tissue.

36. (New) The method of claim 32, wherein said AIN-inhibiting nucleotide sequence comprises codons that are preferred by said plant cell or tissue.

37. (New) The method of claim 20, wherein said plant cell or tissue comprises a gramineceous plant cell or tissue.

38. (New) The method of claim 37, wherein said gramineceous plant cell or tissue comprises a maize cell or tissue or a wheat cell or tissue.

39. (New) The method of claim 20, wherein said plant tissue comprises an embryogenic callus.

40. (New) The method of claim 20, wherein said plant tissue comprises an immature embryo.

41. (New) A method for producing a fertile transgenic plant, comprising:

(a) manipulating a condition of a plant cell or tissue to inhibit a programmed cell death or apoptotic necrosis mechanism capable of being induced by exposure of said plant cell or tissue to *Agrobacterium*;

(b) transforming said plant cell or tissue by exposing the plant cell or tissue to *Agrobacterium* comprising a nucleotide sequence of interest; and

(c) regenerating said plant cell or tissue to produce a fertile transgenic plant;

wherein (a) occurs before, during, or after (b).

REMARKS

In the above-referenced Office Action, the Examiner rejected Claims 1-8 and withdrew Claims 9-19 from consideration as being drawn to a non-elected invention. This Response cancels Claims 1-19 without prejudice to, or disclaimer of, the subject matter of these claims and adds new Claims 20-41. After entry of the foregoing amendments, Claims 20-41 (2 independent claims, 22 total claims) remain pending in the application. Reconsideration is respectfully requested.

Objections to the Specification

The Examiner states that Applicant is required to update all of the following: the first line of the specification to indicate the current status of all parent priority applications; the